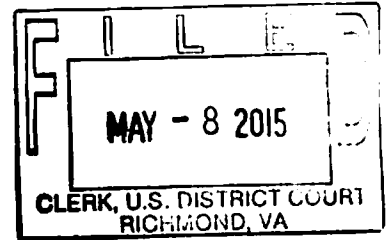


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



DANIEL ELLIS MOSES LENZ,

Plaintiff,

v.

Civil Action No. 3:15CV139

UNKNOWN,

Defendant.

MEMORANDUM OPINION

By Memorandum Order entered on March 18, 2015, the Court conditionally docketed this action. At that time, the Court directed Daniel Ellis Moses Lenz to submit a statement under oath or penalty of perjury that:

- (A) Identifies the nature of the action;
- (B) States his belief that he is entitled to relief;
- (C) Avers that he is unable to prepay fees or give security therefor; and,
- (D) Includes a statement of the assets he possesses.

See 28 U.S.C. § 1915(a)(1). The Court provided Lenz with an in forma pauperis affidavit form for this purpose.

Additionally, the Court directed Lenz to affirm his intention to pay the full filing fee by signing and returning a consent to the collection of fees form. The Court warned Lenz that a failure to comply with either of the above directives within thirty (30) days of the date of entry thereof would result in summary dismissal of the action.

Lenz has not complied with the order of this Court. Lenz failed to return the consent to collection of fees form. As a result, he does not qualify for in forma pauperis status. Furthermore, he has not paid the statutory filing fee for the instant action. See 28 U.S.C. § 1914(a). Such conduct demonstrates a willful failure to prosecute. See Fed. R. Civ. P. 41(b). Accordingly, this action will be dismissed without prejudice.

The Clerk is directed to send a copy of the Memorandum Opinion to Lenz.

/s/ REP
Robert E. Payne
Senior United States District Judge

Date: May 8, 2015
Richmond, Virginia